

**REMARKS / ARGUMENTS**

**Introduction**

The present Amendment is in response to the Office Action mailed May 17, 2007. By this paper, claims 3 and 6 have been cancelled, and claims 1, 4, and 5 have been amended. Claims 1-2, 4-5, and 7 remain pending.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. The remarks herein or lack of remarks are not to be considered as an admission regarding the Examiner's characterization of the cited art. Reconsideration of the claims is respectfully requested in view of the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

**Rejections Under 35 U.S.C. § 102**

The Office Action rejected claims 1, 2 and 5 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,411,063 (*Kouzu*). Anticipation requires that a "claim is anticipated only if each and every element as set forth in the claim is found . . . in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The following discussion illustrates that *Kouzu* fails to satisfy the requirements of anticipation.

Embodiments of the invention are directed to a battery pack apparatus. Claims 1 and 5 have been amended to require that the second case is configured to cool the control section by forcible supply of the cooling medium into the second case. *Kouzu* fails to teach this element of claims 1 and 5, among others.

Rather, *Kouzu* discloses the case 4 accommodating the battery pack 8 and the ECU 2 as shown in Fig. 1. *Kouzu* teaches, for example, that "a blower 5 is provided, a bottom aperture of the holder case 10 provides an air inlet 53 while an upper aperture

provides an air outlet 54, and cooling of the battery modules 9 is effected by cooling air flowing from bottom . . . to top . . ." See col. 14, ll. 60-65; Figure 1.

In fact, the Examiner acknowledges that *Kouzu* fails to teach the forcible supply of the cooling medium into the second case. More particularly, the Examiner notes that the "coolant liquid is being routed through the battery case only." See Office Action at page 2

Thus, *Kouzu* teaches cooling of the battery modules 9 while claims 1 and 5 each required that the second case be configured to cool the control section by forcible supply of the cooling medium into the second case.

Further, it is possible in the present invention to cool the control section using fresh cooling medium that does not contain hydrogen gas or alkali mist emitted from the battery pack. *Kouzu* cannot obtain such an advantage and has no teaching of configuring a second case to cool the control section by forcible supply of the cooling medium into the second case.

For at least these reasons, Applicants respectfully submit that claims 1 and 5 are not anticipated by *Kouzu*. For at least the same reasons, claim 2 is not anticipated.

### **Rejections Under 35 U.S.C. § 103**

The Office Action rejected claims 3, 4, 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over *Kouzu*. Applicant traverses this rejection.

Because claims 1 and 5 are patentable as discussed above and because *Kouzu* does not disclose the above feature of the present invention, claims 4 and 7 are patentable for at least the same reasons that claims 1 and 5 are patentable. Claims 3 and 6 have been cancelled and the rejection of these claims is therefore moot.

**Conclusion**

In view of the foregoing, Applicants believe the claims are in allowable form and allowance is respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 15<sup>th</sup> day of August, 2007.

Respectfully submitted,

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